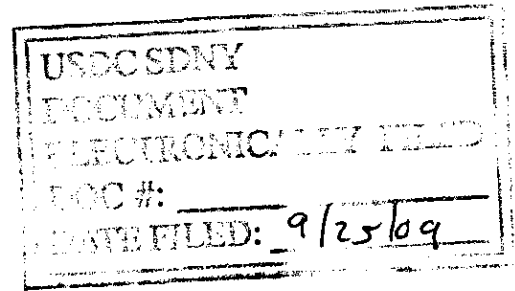


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
ANNETTE SMITH,

Plaintiff,

-against-

NATIONAL BASKETBALL
ASSOCIATION et al,

Defendants.
-----X

08 Civ. 7888 (WHP)

ORDER

WILLIAM H. PAULEY III, District Judge:

It having been reported to this Court that this action has been or will be settled, the action is discontinued without costs to any party, and without prejudice to restoring it to this Court's calendar if such application is made within thirty (30) days of the date of this Order. The Clerk of Court is directed to terminate all motions pending as of this date and mark this case closed.

Dated: September 23, 2009
New York, New York

SO ORDERED:

WILLIAM H. PAULEY III
U.S.D.J.

Counsel of Record:

Ismail S. Sekendiz, Esq.
Akin & Smith, LLC
305 Broadway, Suite 1101
New York, NY 10007
Counsel for Plaintiff

Evandro Cristiano Gigante, Esq.
Howard L. Ganz, Esq.
Proskauer Rose LLP (New York)
1585 Broadway
New York, NY 10036
Counsel for Defendants